

## Charges and fees

Fees may be charged in advance for the provision of access to and the copying of public records, and proof of identity may be requested. Fees for copies shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make them or supervise the copying. Fees for providing access to computer records shall include the cost of computer services, including staff time required. In accordance with this provision and the Kansas Open Records Act, K.S.A. 45-215 *et seq.*, the following fees shall be charged for providing access to or furnishing copies of public records:

- ☐ Standard photocopies: \$0.25 per page; Copies produced by outside vendor- actual cost.
- ☐ Clerical time for providing access to or searching for records: \$10/hour.

The complete KDHE Open Records Fee Policy is available on-line at:

[http://kdheks.gov/open\\_records.html](http://kdheks.gov/open_records.html)

## Exceptions to the Open Records Act

The Kansas Open Records Act recognizes that certain records contain private or privileged information. The Act lists several exceptions, including:

- ☐ Personnel records of public employees
- ☐ Medical treatment records
- ☐ Records protected by attorney/client privilege
- ☐ Records closed by the rules of evidence
- ☐ Records containing personal information compiled for census purposes
- ☐ Notes and preliminary drafts
- ☐ Criminal investigation records
- ☐ Several other specific types of records

A complete list of exceptions can be found at K.S.A. 45-221.

An agency is only required to provide public records that already exist. There is no requirement for the agency to answer questions, pre-

pare reports, or create a record upon request. Nothing in the Open Records Act supersedes federal law, including the Family Educational Rights and Privacy Act (Buckley Amendment).

If a record is only partially exempted from disclosure, the designated record custodian shall delete the exempted materials and make available the materials that are subject to disclosure. Records which are exempt because they pertain to an identifiable individual are subject to disclosure if deletion of the identifying portions of the records is possible.

Public records more than 70 years old are open for inspection without regard to the above-listed exemptions. Disclosure of such records is prohibited only if federal or state law so provides.

## Additional information

Additional information about the Kansas Open Records Act can be obtained at:  
[http://www.kdheks.gov/open\\_records.html](http://www.kdheks.gov/open_records.html)

If you have questions about the Act or the Kansas Department of Health and Environment policies under it, contact Dennis Highberger at 785-296-3426, or [dhighber@kdhe.state.ks.us](mailto:dhighber@kdhe.state.ks.us)

The information contained in this brochure pertains to laws in effect on July 1, 2006.

## Kansas Department of Health & Environment



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# The Kansas Open Records Act



Department of  
Health and Environment

**Your rights and  
responsibilities  
under the law**

## The Kansas Open Records Act

The Kansas Open Records Act grants you the right to inspect and obtain copies of public records created or maintained by public agencies in Kansas. The Open Records Act, K.S.A. 45-215 *et seq.*, as amended, declares that it is the public policy of Kansas that "public records shall be open for inspection by any person." Public records are defined as "any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency." The Kansas Department of Health and Environment is classified as a public agency for the purposes of this Act.

### Examples of public records maintained by the Kansas Department of Health and Environment:

- Regulations
- Policies
- Minutes/Records of open meetings
- Salaries of public officials
- Agency budget documents

### Your rights

You have the right to:

- 1) Request assistance from the agency's Freedom of Information Officer at any time.
- 2) Obtain a copy of the agency's policies and procedures for access to records.
- 3) Receive a written response to your request within three business days. The response may inform you that it will take additional time to produce the records.
- 4) Inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
- 5) File a complaint with the Kansas Attorney General if you feel your request for public records is wrongfully denied.

### Your responsibilities

An agency may require you to put your request in writing, and you must provide proof of your identity, if requested.

Reasonable fees, not exceeding actual cost, may be

charged for access to records, copies of records, and staff time for processing your request.

Kansas law prohibits use of names and addresses derived from public records for certain commercial purposes. If requested, you must complete an affidavit affirming that you will not use names and addresses in public records for a prohibited purpose.

### Requesting a record

Consult with Dennis Highberger, Freedom of Information Officer, Kansas Department of Health and Environment, to determine if the record you need exists or is available, to ask questions about the Open Records Act, or to obtain assistance in resolving disputes relating to the Act, or to request public records.

We ask that you submit a written request to obtain copies of public records. Records may be requested by mail, e-mail or fax.

**Mail:** Dennis Highberger  
Curtis State Office Building  
1000 SW Jackson St., Suite 540  
Topeka, KS 66612-1368

**E-mail:** [dhighber@kdhe.state.ks.us](mailto:dhighber@kdhe.state.ks.us)

**Fax:** 785-296-6231

Please include the following information in your request:

- 1) Your name, and mailing address
- 2) A specific description of the records you are requesting. Make your request as specific as possible to expedite the process.

Charges for the service may be requested in advance.

Regular office hours on all business days, excluding Saturday, Sunday, and official holidays, are from 8 a.m. to 5 p.m. Records may be inspected during those hours. The Kansas Department of Health and Environment is closed on official holidays.

Agency records shall remain in the possession and control of an agency staff member during inspection and/or duplication.

### Delayed and/or denied requests

All efforts will be made to process your request for public records as soon as it is received; however, some requests may be delayed or denied if: More information is needed in order to retrieve the records; legal issues must be addressed before the records are released; the requested records are archived or stored off site; or the volume of records requested is large and will take time to duplicate.

Requests may be denied in whole or in part if: The requested record does not exist; the requested record is exempt from disclosure by law; or the request is unclear and more information is needed.

If the request is delayed or denied, you will receive a written explanation for the delay or denial within three business days. You may be requested to provide additional information if access to public records or the purpose for which the records are to be used is limited by state law.

Permission to inspect or copy public records may be denied if: (1) the request "places an unreasonable burden in producing public records;" or (2) the custodian of the records "has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency." Denial of a person's inspection or copying request must be explained in writing if the person requests such an explanation.

Copies of radio or recording tapes or disks, video tapes or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices shall not be required to be furnished unless such items or devices were shown or played to a public meeting of the Kansas Department of Health and Environment or other public body.